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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/531,188

04/12/2005

Diego Caviglia

P/63767

6319

156

7590

04/28/2009

Kirschstein, Israel, Schiffmiller & Pieroni, P.C.

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EXAMINER

PARK, JEONG S

ART UNIT

PAPER NUMBER

2454

MAIL DATE

DELIVERY MODE

04/28/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/531,188	CAVIGLIA ET AL.	
	Examiner	Art Unit	
	JEONG S. PARK	2454	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 April 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 89-132.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Nathan J. Flynn/
Supervisory Patent Examiner, Art Unit 2454

Continuation of 11. does NOT place the application in condition for allowance because:

In response to applicant argument on "Andersson fails to disclose if and how the recovery path is used when there is no fault," Andersson teaches as follows:

The well-known link state protocols builds a model of the network topology through exchange of connectivity information with their neighbors performed in all nodes (see, e.g., page 8, paragraph [0113]). Wherein the examiner interpreted the applicant's non-worker data as the connectivity information.

In response to applicant's argument on "Andersson does not disclose protection means being operative for identifying location of the fault," Andersson teaches as follows:

When a router detects a link failure or node failure, the information carried in the well-known Link State Advertisements (LSAs) is communicated, wherein the Link State Advertisements include all connectivity information with their neighboring routers (see, e.g., page 8, paragraph [0117]); and the bypassing mechanism is intended for bypassing only those failures (see, e.g., page 8, paragraph [0115]). Therefore the bypassing mechanism inherently identifies the location of the fault.

In response to applicant's argument on "Andersson does not disclose returning the worker data to a part of the worker path not affected by the fault nor the protection means being operative for activating the entire plurality of detours to carry the worker data upon detection of a fault in the worker path," Andersson teaches as follows:

Returning the worker data to a worker path not affected by the fault (the network nodes switch certain communications to recovery paths while communication unaffected by the network failure remain on the primary paths, see, e.g., page 3, paragraph [0048], lines 3-8); and Activating a detour to carry the worker data upon detection of a fault in the worker path (computing the new set of primary paths based upon the topology information and activating the new set of primary paths in order to override the temporary switch over to the recovery paths, see, e.g., page 4, paragraph [0053]).

Andersson does not teach of activating the entire plurality of detours.

Kinoshita teaches as follows:

Setting up plurality of detours (each node determines a protection path route by setting itself as the start-point node, see, e.g., page 3, paragraph [0068] and figure 3 and 8).

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to modify Kinoshita with Andersson in order to efficiently set up multiple local detours and activate the entire local detours when detects a failure and then deactivate the one of local detours not affected by the failure.